App. F. IX-4

Previous References

1933 (Mucz)

File No. 298-33

Serial Nos. 1-8

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 8

Part B for Sept 1934

SUBJECT.

Muzrai appeal no 3 of 1933- re:
Inam lands of Pamagere Lakshminarayana
claimed on behalf of
Sri Balakere Anjaneya Swami Temple

WD 01965—GPB—15,000—7-7-34

Memo no 184/Muz 8 10-8-1934 to Mr R.
Venkatanarasaiya Advocate for the Applicants
intimating that Govt declined to interfere
The orders passed by the Muzrai Co

Misc Appeal No 3 of 33-34

General and Revenue Secretariat | Misc File No. | of 1933-4 | [App. F. III—2

Serial No.

1 Petition dt 19.6.33 filed by Mr R. Venkatarama Iyengar Advocate Bangalore City on behalf of his clients Patel Ramakanche Gowda and others of Balleke - Hadur Taluk praying that proceedings in pursuance of the order of the Lower Court be Stayed and the S.Nos 23 and 75 of Balleke be restored to Sri Anjaneya Swami Temple.

[illegible]

Please speak time
19/7

Under rule 25 (Page 4) of the Chief Court Practice Rules, Petitions for review, a prayer for a stay order cannot be entertained in the appeal petition and cannot be attended to -

The Misc petition appealed against happens to be sent as Communication for the D.C. to the D.C. conveying orders. The Case does not appear to have been heard & disposed of by the D.C. If approved the papers will be called for.

22/7/33

The Civil application for the delay in the Petition of Misc should be taken up.
19/7/33

Action taken
Separate?
22/9/33

NOTE—Contn. sheet.

WD 0246 -GPB—15,000—22-8-32

Name of forwarding Authority on the P. & O. is

Mr. [illegible] subd. for the signature in pages 7 } A

Note on the point raised at the foot of the previous page & also in B } B

29-9-33

(1) A - Done 2/10/33

(2) B - For perusal

2/10/33

Petition sent to Comm with no 390 & 2-10-33.

Secy)

3/10/33

18/9/33

Mis 298 33-3

Before the Government of H.H. the Maharajah of Mysore Bangalore

Mujrai Appeal No /32-33

Appellants

Dalil Sannakenche Gowda
& others of
Ballekere, Kasaba Hobli,
Kadur Taluk

Re Sri Ballekere Anjaneyaswamy Temple Lands, Survey Nos 23 & 75 in Ballekere, Kadur Taluk

It is respectfully submitted as follows.

That the appeal petition presented on 28-6-1933 before II Member of Council against the order of Mujrai Commissioner in No R Dis/121 32-33 dated 21st November 1932 was returned for representation with certified copy of the order appealed from only as the Endorsement issued to Appellants was then produced.

2. That on 7-7-1933 the same Appeal Petition was re-presented accordingly with the required copy.

3. That as the order under appeal was about to be enforced to the prejudice of the interests of the Temple, stay of proceedings in the disposal of the appeal before Government was solicited.

4. That as no order therefor has been granted till now, the local authorities are adopting coercive steps to execute the order of the lower courts to recover from Appellants. If this is allowed to continue much trouble and loss will unnecessarily be caused.

5. It is therefore prayed that an order for stay of further proceedings in

pursuance of the order of the
may be kindly issued at once.

R. Venkata Ramaiya
Bangalore for Petrs
18/9/33

3) Petition to implead Secretary to call for records connected with the Case.
The Advocate is praying for a Stay of the order of the lower Court. If asked, as already stated in the connected file, he will be asked to file a separate petition only stamped with two Rs worth of stamps — } A

14) For orders —

G.S
29.9.33

15) A. may be allowed.
3/10/33

16) Yes.
AM
5/10/33

17) Office noted
GS
6/10

18) Yes
7/10/33

No 428 Dy 11.10.33 to Sri
R. Venkataramaiya Advocate
Bangalore city intimating that a
Separate petition duly stamped
has to be submitted in respect
of the Stay order —

Issd
11/10

Appl no 805 of 33-34 in the
Matter of certain Inam lands claimed for
Sri Anjaneya Swami Temple at Bellary
[App. F. III—2

General and Revenue Secretariat | File No. 29.8 of 1933-4

Serial No.	
5	Petition dt 30.11.33 filed by Mr R. Venkatarama Aiya Advocate for the appellants praying that the order of the Huzur Commissioner in the matter be held in abeyance till the case is finally disposed of.
	Minute of the Member of Council
19	on the P.C. dt —
	= Note "
	Records connected with the appl pet. have been called for. In the lower Court the case has been disposed of on merits - Bellakere Sri Anjaneya Swami Temple is not found to have been endowed with Inam lands as seen from the Register of Inam lands kept for Rep. - This does not appear to be a Huz - Inst. as it has no Cash grant either - In these circumstances the stay orders asked for in the order
	As represented in the appeal petn there are two temples, one of Sri Narayana Swami of Patnergere and another of Sri Anjanegaswami of Bellakere both of Hadagalli Taluk situated very near each other. The appellants are interested in the latter temple. They say that this temple has been in the enjoyment of S. No 234/75 of Bellakere for several years and is constructed also in one of these numbers and that the order of

Flags -

Vide 2 ff (Confl Reg)

What has been sent to me for original for Return of records

GVR 1/12

NOTE—Contn Sheet

WD 0246 -GPB—15,000—22-8-32

Mag appl. no 3 of 33-34
to Drawlands claimed for
Sri Anjaneyaswami

Head File No. 2 of 193 General S

The Rc. denies the restoration of these lands to Sri Narayanaswami temple of Pakaseri on the strength of the entry in the Quit rent Register. ~~Petitioners~~ Appellants state that they are not aware as to how these S. nos have been shown in the Quit rent Regr as Drawn to the Sriaragyanaswami temple, that they are still now in actual possession & enjoyment of these lands for the benefit of Sri Anjaneyaswami temple of Bellakere, that the case of the Rc. which has been passed without giving them an opportunity to represent their case may be ordered to be stayed pending disposal of their appeal before Govt. their request for a Stay order is for orders.

4/12/33

2nd Mgt

21) 4/12

maybe stayed 5/12

pending order on the appeal

3436
7/12

AO
7/12
xxx
9/12

Rec 12/12

TYPING SECTION
14 DEC. 1933
GENL & REV SECTT.

6

Rc 8138 12.12.33 to the Magistrate Coimbatore

Mag appl no 3 of 33-34

Re Inam land, Sri M.
Balleakere Sri M.

General and Revenue Secretariat — Mag File No. — of 193 . — [App. F. III—2.

Serial No.

Memo no 814 of 12.12.33 to Mr. A. Venkatanarasaiah Advocate for the appellants forwarding Copy of No 813 of 12/12/33 issued to the Mag and Commissioner —

7

Directing that the order passed by him be held in abeyance pending order of Government on the Appeal Case

Letter no 499/33-34 of Ks. 12-33 from the Mysore Commissioner submitting records in the case stated for the Appeal Case —

2. No mention is made of Sri Anjaneya Swamy at Balleakere — in the Quit Rent Register. This is reported to be a non-Mysore Institution having neither land grant nor cash grant. On a reference being made from the Inam Office, the latter has said in his letter no 2000/4.11.32 addressed to the M.C. that Sri Hanumanthadevaru temple has not been endowed with any land in Balleakere Village. Kadur Tk

3. The S.A.C. - Chikmagalur Subdivn in his order 23.3.29 has held that the lands in question belong to Pakangere Sri Lakshmi Narayanaswamy & not to Balleakere Sri Anjaneya temple. This has been upheld both by the D.C & the M.C —

4. The facts of the case are fully set forth in the D.C's report (Kadur Dt) of 2/12/33 to the M.C — In view of the facts whether the appeal is tenable is for orders —

Copy (4) Enclosed to P. No 11

What about the point urged in para 9 (iii) of the appeal petn. Please note if this is disposed by records.

L-S 22/12

1/1/34

NOTE—Contn Sheet

WD 0434—GPR—15,000—12-10-3°

Serial No.

From a thorough study of the records received on the subject it will be seen that all Mz officers from the Amildar upwards including the M.C. have unanimously held that the lands in question belong to Patnagere Narayana Swami Sthe temple & this is borne out by an extract from the Inam Register also found in M.C's Office file as also in the Spiritual Rent register found for Fasli [the words in ( ) are added as seen from this register was one Puttabhatta then]. The present applt is one Vijaya Sastri & he has stated that the Institution has no other Inam lands endowed to it & certainly the lands under dispute. From the ready Inam Reg. it is seen that the Inam is fallow 0-15-6 P.M. After having come to the conclusion that the lands are the property of Narayana Swami temple they and accordingly, the Mz officers allowed to lease out the lands, the highest bid being Rs 101/- which was accepted by the Patel Ananthaiya of Patnagere on 31/5/33. While the matter stood : the applicants have preferred an appeal claiming the lands for their temple (viz Sri Anjaneya Swami temple formerly considered on the Inam lands at Bellakere on the following grounds :-

i) That the lands have been

x Hagis.

(Stay order is also issued)

Serial No

of the Archaks of Anjaneyaswami is the
in their possession continuously for a
long time.

ii) That the Petitioners do not for Kodhanda
Akshya, Vobhava & Prajothpathi go to show
that the lands are the property of their
temple

30) Kind regd is invited to the Amildar's
Papers flag report dt 18/5/28 from which it clearly appears
that the Archaks including Patel Sawa
Kenchappa Gowda have filed statements
that they would give up the lands in
favour of Patnagere temple as soon
as it is established that they form the
property of that temple. Further
they were all asked to produce written
documents or deeds if any into their
transferring these lands to Sri Anjaneya
Swami temple & they have all deposed
that they have no such documentary
evidence. Their only contention is that
the lands have been for a very long
period in the possession & enjoyment
of the archaks of Sri Anjaneya Swami
temple which the D.C. says in his report
dt 13/10/32 is an unauthorised one.

31) As per personal orders issued,
Mem 198-33-2 directing leading to a
G.O. directing the transfer of the Inam
lands of Sri Anjaneya

NOTE—Contn Sheet

Re Anjaneya Swamy temple a non hereditary — In this case the D.C. had held that there was no Moola Vigraham — Sthanamadevaru & party on this consideration the Inam lands were ordered to be transfd. to Anjaneya Swamy temple.

In the present case viz Narayana Swamy of Pamarru, Archana is regularly performed & no report of moola vigraha having been lost is found & the temple buildings are reported to be in good condition. ~~The Inam lands being the only source of income for the maintenance of the temple it is proposed to transfer the Inam lands to the Executive Officer of the temple to be held in trust for the temple~~

I submit with regd to para 28

In a similar case referred to in para 31 supra, though pooja was reported to be regularly performed in the temple to which the inam lands were actually endowed & though the temple was reported to be in good condition, the DC recommended that the lands may be continued in favour of another non-Muzrai institution which was in actual enjoyment of the lands

Mur. Appeal No. 3 of 33-34

General and Revenue Secretariat — Mur File No. — of 1933. — [App. F. III—2

Serial No.

for a long time (unauthorizedly no doubt) this Recommendation was accepted by Govt. vide G.O. No. 1157-4/Mur. 198-33-2 dt. 24.2.1934

34 In the present case which is under appeal is on all fours with the one referred to above and in this case a contrary decision has been arrived at by the Rec viz that the lands which are now in the long enjoyment (also unauthorizedly) of Sri Anjaneyaswami temple at Bellakere may be restored to Sri Narasimhaswami temple at Pattayapur to which the lands are actually endowed.

35 A Stay order has also been issued in this case

36 Subm. for orders as to whether the case may be posted for hearing.

Recd 20/4/34

37 Parties are solicited re the date of hearing.

20/4/34

Jt Secy) 2nd/Mr)

20/4

May be posted to 23/5/34

20/4

23/4

26/4

Posted to the 23rd inst 1934

39 The case was called on 24th Aug 1934 Appellant heard & respt absent though served with notice

Order ——

I decline to interfere.

40)

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

OFFICE OF THE REGISTRAR 23 APR. 1934 No. 867

Mrs File No. of Sri Brijanagaswami 298 of 1933 — In Revision — General and Secretariat

Serial No.

41) Dll Rd →

GS 8/8/34 mr

42) Jmt 8/8

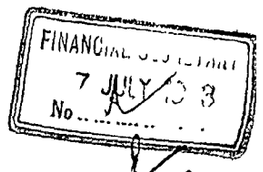
Memo no 184 of 10-8-34 to mr R. — 8

Venkatanarasaiya Advocate for the appellants forwarding Copy of decision in the appeal case

No 185 of 10-8-34 to the respondent Archak of Sri Lakshminarayana Swami temple - Pamarru Kaira Taluk forwarding Copy of the decision in the Mrs's appeal case —

No 186 of 10-8-34 to the Mrs's Commissioner — forwarding records connected with the appeal

B 20-8-34 mr



817

TWO RUPEES

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA

OF MYSORE, BANGALORE.

Muzrai Appeal No. 3 of 1932-33.

--*-- Mg 298-33-7.

APPELLANTS:--

(1). Patel Sannakenche Gowda, Son of Mudigowda.

(2). Rame Gowda.

(3). Basave Gowda, son of Bomme Gowda.

(4). Putta Thimmaiya, son of Thimme Gowda.
and others.
All of Ballekere, Yasaba Hobli, Kadur Taluk.

Returned to the Advocate for the production of certified copy of order endorsement of date from the Muzrai Commr

JGR 28/6

Returned with necessary requisite Advocate for Appls 7/7/33

* * *

The Appellants, abovenamed, beg to state as follows:-

1. That the temple of Sri Ballekere Anjaneyaswami is situated on Survey No. 23--a dry land, about 13 acres and odd in extent in Ballekere village, Kadur Taluk. The 4th appellant and the members of his family have been acting as Pujaris of the said temple for years past. From time immemorial, the ancestors of these performed the Pooja in the said Temple. The Appellants 1 to 3 are natives of Ballekere and some of the earnest devotees of the Temple interested in its upkeep. The annual Utsavams - car festivals - and other celebrations of the temple are all attended to and conducted by the Appellants.

2. From a long time, the two lands--

Survey

Survey Nos. 23 and 75 situated in Ballekere, Kadur Taluk, Kasaba Hobli, have been in the possession of the 4th Appellant and before him his elders. The appellants 1 to 3 are paying a part of the dues to Government and the substantial portion thereof is paid by the 4th Appellant who is the occupant.

3. The expenses connected with the Temple are all defrayed by the appellants and others of the village and in consideration of the Poojari work rendered by the 4th Appellant, Survey Nos. 23 and 75 are being enjoyed by him and others of his family.

4. That about two miles from this Temple is the Temple of Sri Narasimha Narayanaswamy in the Village of Patnagere and this Temple has a cash grant from Government. The Archik of this Temple is one Suryanarayana Shastry.

5. Both the Temples were being attended to by the natives of the Villages wherein these are respectively situated and have been managed satisfactorily.

6. About the year 1928, the said Suryanarayana Shastry started making attempts to deprive the temple in Appellants' village of the two lands in possession of the 4th Appellant, with a view to lower the resources of the Temple and its importance below that wherein he is himself the Archik. After a nominal enquiry, the subordinate officers held - that the lands are the property of the Temple of Sri Narasimha Narayana Swamy of Patnagere and the lease

of the same should be auctioned.

7. The appellants prayed for proper enquiry into the matter and fresh orders on the merits before the Muzrai Commissioner. This has been of no avail. Hence this appeal.

8. The appellants beg to submit that the case for the Temple at Ballekere, in which the Appellants are essentially and vitally interested, has suffered by default and by lack of consideration of the rights and equities in its favour.

9. The subordinate authorities have failed to take into account:-

(i). that the very fact of the temple of Sri Anjaneya Swamy being situated on Survey No. 23 and having stood there from time immemorial should primarily lead to the presumption of the land belonging to it. This is further strengthened by the fact that, if these lands--Survey Nos. 23 and 75--are left out of account, the temple will be absolutely without any source of definite and certain income;

(ii) the lands have been continuously and exclusively, for years past, in the possession and enjoyment of the Poojaris of the Sri Anjaneyaswami Temple for and on its behalf. It is in consideration of this that the appellants have all been defraying the expenses necessary in connection with the temple.

(iii). there are ancient records, viz., Pahani Accounts for the years Krodhana, Akshaya, Vibhava and Prajothpaththi, in the writing of persons

persons dead long since;and,as such, cannot - be deemed to be concocted, which clearly - show that these lands are the property of this institution. The Appellants got at this from the grandson of the original Shanbhogue for - both the villages. The local authorities have ignored this;

(iv). That suitable entries in Government records are not found to be in favour of the - Temple is due only to the fact that Appellants had no cause or occasion to apprehend any cloud on the title in favour of the Temple and particularly since the possession of the occupants - avowedly in favour of the Temple was never questioned or disturbed. In any event, the interests of the Temple ought not to be prejudiced by the default of others. The Shanbhogue to - Ballekere and Patnakere being common and the - amounts due in respect of the lands having been collected by him,year after year, without the - slightest indication that the conviction with - which payments were made was erroneous, the Appellants never felt the necessity of having to prove the Temple's rights to the lands

(v). that,in the circumstances of the case, apart from other considerations, the question of rights being one between only two Temples, the - arrangement in force established by long efflux of time should have been upheld;

(vi). the appellants feel that the Temple of their village has been left uncared for, while - that of the neighbouring village shown preferentia

treatmen

treatment.

The Appellants, therefore, pray that the order of the Muzrai Commissioner be kindly reversed, the lands - Survey Nos. 23 and 75 - of Ballekere, Kadur Taluk, - Kasaba Hobli, be restored to the Temple of Sri Anjaneya Swamy of Ballekere; and that, pending disposal of this appeal, <u>further</u> - <u>proceedings</u> in pursuance of the order of the Lower Court be kindly <u>S T A Y E D</u>; as - otherwise, there will be needless complications and the Temple having the benefits of these lands for years past will be left without any resource whatsoever. The 4th Appellant has, moreover, sown the lands already - and is mainly dependant on the produce of the lands for having rendered the Poojari work.

BANGALORE CITY,
19th J u n e 1933)

R. Venkata Ramaiya
Advocate for Appellants

OFFICE OF THE MUZRAI COMMISSIONER
No C499 33-34
3 OCT. 1933
IN THE ... BANGALORE.

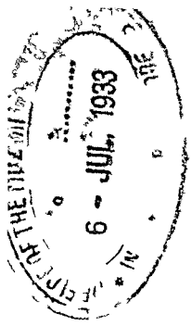
390/Mezq 9 2-10-33
298-33-2
Forwarded with compliments to the Muzrai Commissioner for Submission 9 records called for with the Case.

By order
2/10/33.
for Financial Secretary

Send in 2 weeks
4.10

No. R Dis 121/32-33

Office of the Muzrai Commissioner in Mysore
Dated Bangalore 21st November 1932



From
The Muzrai Commissioner in Mysore
Bangalore

To
The Deputy Commissioner
Kadur District

Sir,

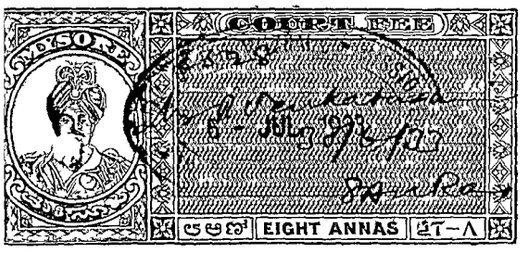
In Continuation of this office No PC 69 of 32 33 dated 2-11-1932 requesting you to stay execution of the order to sell the lease right of the lands in Ballakere Village endowed to Sri Lakshminarayanaswamy temple at Patangere, Kadur Taluk, I have the honour to state that from a Copy of the Inam Register received from the Inam Superintendent it is seen that the temple of Sri Hanumantha devaru in Ballakere has not, as alleged by Patel Sannakenchegowda been endowed with any lands in the said Ballakere Village and to request that an endorsement may be issued to the Petitioner on the lines indicated in your letter No A5-918/32 dated 13-10-1932

The records received with your letter under reference are herewith returned

I have the honour to be,
Sir,
Your most obedient Servant,
(Sd) S Hanumaiya
Muzrai Commissioner

Copy applied by - Sannakenchegowda
Copy applied on - 16-6-33
Copy delivered on —
Copied by - D Gopinath
Compared by — S Jayaramaiah
No of words — 140
Copying fees — 0-1-0
Conveyance fees — 0-1-0

"Copy"
S Jayaramaiah B.A.
Manager
Muzrai Commissioner's Office



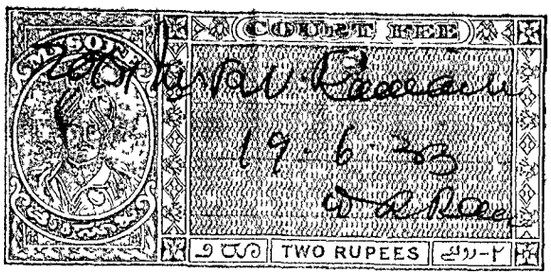
ಕಾರ್ಯಾಲಯಕ್ಕೆ ಬಂದ ದಿನಾಂಕ :-

ಕಾರ್ಯಾಲಯದಿಂದ ಕಳುಹಿಸಿದ ದಿನಾಂಕ :-

ಕಾರ್ಯಾಲಯದ ಟಿಪ್ಪಣಿ :-

ಸೇವೆಯಲ್ಲಿರುವ ಅಥವಾ ಸೇವೆಯಿಂದ ನಿವೃತ್ತರಾದ ಅಥವಾ ಮೃತಪಟ್ಟ ಸರ್ಕಾರಿ ನೌಕರರ ಅವಲಂಬಿತರಿಗೆ ಅನುಕಂಪದ ಆಧಾರದ ಮೇಲೆ ನೌಕರಿ ನೀಡುವ ಬಗ್ಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುವ ಅಭ್ಯರ್ಥಿಗಳ ಪಟ್ಟಿಯಲ್ಲಿ ಅಭ್ಯರ್ಥಿಯ ಹೆಸರು ಇರುವುದಿಲ್ಲವೆಂದು ಖಚಿತಪಡಿಸಿಕೊಂಡ ನಂತರ ಅಭ್ಯರ್ಥಿಯ ಹೆಸರನ್ನು ಪಟ್ಟಿಯಲ್ಲಿ ಸೇರಿಸಿ ಅಭ್ಯರ್ಥಿಯ ಅರ್ಜಿಯನ್ನು ಪರಿಶೀಲಿಸಿ ಅಭ್ಯರ್ಥಿಯು ಅನುಕಂಪದ ಆಧಾರದ ಮೇಲೆ ನೌಕರಿ ಪಡೆಯಲು ಅರ್ಹರಿರುವುದಾಗಿ

Mr Rangaraj
21-4-1933



Before the Government of His Highness the Maharaja of Mysore, Bangalore

In the ~~Court of the~~ BANGALORE.

Munsif Case No. OF 1932.—1933.

Appellant
~~Plaintiff~~
~~Petitioner~~

Vs.

Respondent
Defendant
Opponent

1) Patel Sanna Kenche Gowda & 3 Others

I 9, the Applt above named do by these presents, retain Messrs. R. VENKATA RAMAIYA, M.A., L.L.B., ~~A. J. KHALEEL, B.A., B.L.,~~ and R. SRINIVASIAH, B.A., L.L.B., Advocates, to appear and conduct the above case on our behalf to judgement.

2 we further empower them to appear, plead, enter into compromise and do all necessary acts in the above case, to execute any decree or order that may be passed in our behalf and to receive from the Court all documents, refunds, and all sums of money that we may be entitled to get and grant receipts therefor.

3 we also undertake to confirm and ratify all the acts done by any of the said Advocates or by any other Advocate on their behalf in so doing

4 we further agree that if we fail to pay the fees agreed upon or to give due instructions they are at liberty to retire from the case.

BANGALORE
193 .

Accepted.

Personally known to me and signed in my presence

R. Venkata Ramaiya
R. Srinivasiah
Advocates.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 10th October 1933.

No. 428

Misc 298-33-4

From

The Financial Secretary to the Government of His Highness the Maharaja of Mysore

To

Mr. R.Venkataramaiya,
Advocate, Bangalore City.

Sir,

Subject:- Regarding the ~~application~~ appeal filed by Patel Sannakenche Gowda and others of Bellakere Kasba Hobli Kadur Taluk in the matter of certain Inam lands said to belong to Sri Anjaneyaswami temple at the place.

Dear Sir,

With reference to petition dated 18th September 1933 praying for a stay order in the above case, I am directed t inform you that a separate petition with a court fee stamp of Rupees two has to be filed in respect of the request for a stay order.

Yours faithfully,

For Financial Secretary to Govt.

Appendix F G—1]

SUBJECT .....

.....

.....

Section Inam

File No. 298-33

Serial No. 4

Diary No. of letter replied to ....

No. 428.

To

Sri R. Venkataramaiya,

Advocate. Bangalore City.

General and Revenue Secretariat

( )

the *193* .

Date of issue 11-10-33

Signed by W.D. Veeradakrishnappa

Subject:- Re: The appl filed by Patel Sannakonnar Gowd & others of Bellakere. Hasana Hobli - Kadur Tk. in the matter of certain Inam lands said to belong to Sri Anjaneya Swami temple at the place

Dear Sir,

With reference to your letter dt 18.9.33 praying for a stay order in the above case, I am directed to

List of enclosures.....

Copied by.....

Examined by.....

inform you that a Separate
Pet[n] will be sent to the Court for Alimony
of R, &c. - ~~near the Seat~~ here to the filed in respect of the
~~for acts of Cruelty~~ request for a stay

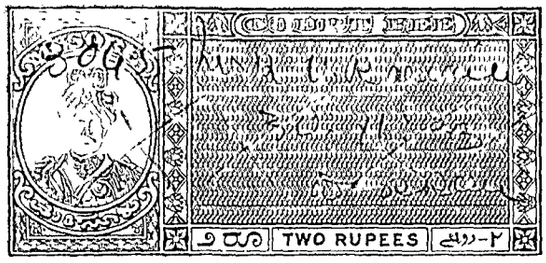
Yours faithfully

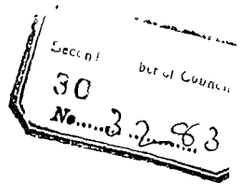
7/10

For Alice

C.S

6/10





Mug 298. 33. 5

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJAH OF MYSORE, B A N G A L O R E.

As per Endorsement No. 428/MUZ dated 10/11th Oct. 1933 requiring a separate duly stamped application for grant of a stay order in the appeal filed on 7-7-1933 on behalf of Patel Samakenche Gowda and others of Bullekere, Kadur Taluk, this petition is filed representing the following points in addition to those in the appeal petition for consideration:-

Note

(1) The question for decition in the case is not one affecting the private interests of the Appellants but the properties pertaining to a temple in which the appellants are vitally interested.

(2) The lands, the rights with respect to which are to be decided, have been in possession of the appellants for the benefit of the temple from time immemorial.

(3) The appellants have a prima facie case in as much as the temple of Sri Anjaneya is situated in the very lands in dispute and the other temple to which these are deemed to belong is possessed of properties other than these and above all, the temple at Ballekere will be left without any resource if the order under appeal is allowed to be executed.

(4) The learned Muzrai Commissioner had issued a Stay Order till the disposal of the case by him but the case was decided by him Ex-Parte without according the appellants any opportunity to represent their case before him.

(5) Much inconvenience and hardship will be caused for the upkeep of the temple at Bullekere if the order of the Muzarai Commissioner is not stayed.

(6) It is therefore prayed that Orders may be kindly issued forthwith directing that the order of the Muzrai Commissioner appealed from ~~him~~, be held in abeyance till the final disposal of the case in this Hon'ble Court.

R. Venkata Ramanja
Advocate for Appellants

Bangalore City, }
30th Novr. 1933 }

F G—1]

JECT .....

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Section Mus

File No. 298-33

Serial No. 6

Diary No. of letter replied to .....

No. 813

To

The M.C.

General and Revenue Secretariat

( )

the *193* .

Date of issue 12-12-33

Signed by B. Muddukrishnappa

Sir,

In Continuation of this Office memo No 3909 2.10.33 calling for the Submission of records re: the appeal Preferred by Smt Ramakkamma & others and Sheristadar of Bellakere Kasaba Hobli Kadur Taluk Certain Inam lands said to belong to Sri Anjaneya Swamy Temple at the place, I am directed to state that the orders passed by you ~~on the petition~~ in the matter of ~~the~~ execution of the decree in the appeal may be held in abeyance pending disposal of the appeal.

List of enclosures .....

Copied by .....

Examined by .....

Yours etc.

12/12

for Secy.

WD 0677—GPB—15,000—3-11 33

M.99 Enc 2 files
53-34

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore,... 13th December 1933.

FROM

N. Madhava Rau, Esq., B.A., B.L.,
~~S. HARIANNAIYA, Esq., M.A., B.L.,~~
Muzrai Commissioner in Mysore,
Bangalore.

To

Mg 298-33

S. Shamanna, Esq., P.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
F i n a n c i a l ..*Department.*

SIR,

With reference to correspondence ending with your letter No.813/Muz. dated 12-12-33 re: the lands in Bellakere village alleged to belong to the Sri Hanumanthadevaru temple at the place. I have the honor to forward herewith copy of letter No. A5-1510-33 dated 2-12-33 from the Deputy Commissioner, Kadur District, which explains the facts of the case in sufficient detail.

The entire file of vernacular papers with this office

File No.R.Dis.121/32-33 is sent for reference and return

I have the honor to be,

Sir,

Your most obedient servant,

G. Rudrappa

Senior Assistant to
For Muzrai Commissioner.
(A hand from Head.

or No.A5 33 from dated 2-12-33 from the Deputy Commissioner District. to the Muzrai Commissioner in Mysore.

With reference to your letter No.499/33-34 dated 11th October 1933 from forwarding the petition of Patel Ganna Kenchegowda and others in the matter endowment of Inam S.Nos.23 and 75 of Pellekere village to Sri Laksh inarayan swamy temple at Patnagere, Kadur Taluk, and calling for a report on the fact of the case and the points raised in the appeal petition I have the honor to forward herewith the entire file of records connected with the case receiv with the Tarikere Sub Division Officer's No.C2-598-33 and to state as follo

Sri Lakshminarayanaswami temple at Patnagere is a village institution with the land endowment of S.Nos.23 and 75 measuring 13 acres 25 guntas and 8 acres and 6 guntas and assessed to dry at R 14/- and R 8/- respectivel year in Pallekere village, Kadur Taluk, The services in the temple are ed to be conducted properly. In spite of this endowment the temple stoc gain nothing so far since the endowed lands were being unauthorisedly enjoyed by the archak of Sri Hanumanthadevaru temple at Pallekere.

Having noticed this unauthorised occupation, the matter was properly investigated by the Sub Division Officer, Tarikere and orders passed by him in his memo No.Gl.120-24/28-29 dated 23-3-29 that the lands in question constitu ed beyond all doubt the endowment of Sri Lakshminarayanaswamy temple. The matter came in appeal before the Deputy Commissioner and the Muzrai Commissioner in due succession (vide Muzrai Commissioner's No.P.Dis.121/32-33 dated 21-11-33) and the decision of the Sub Division Officer was upheld by both.

With regard to the merits of the case there is no doubt about the fact that Hanumanthadevaru temple at Pallekere is a non-Muzrai institution. As such, it has no endowment of inam lands. In the second place, the lands in dispute stand in the Quit Rent Register in the name of Sri Lakshminarayanaswa temple at Patnagere as endowed to that deity and there is no evidence to show that the endowment was subsequently transferred to Sri Hanumanthadevaru temple at Pallekere.

In the above circumstances, the arguments urged by the appellants are not sustainable. In view of the fact that the occupation of the lands was clearly unauthorised, their resumption from the present holders was ordered and subsequently the lands have been leased out by open sale in the interests of the institution.

An interim endorsement has also been issued to the petitioners accordingly.

The petition with its enclosures is herewith returned.

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Muzrai Appeal No. 3 of 1933-34

Appellants	vs.	Respondents.
Patel Sannakenchegowda Ramegowda Basavegowda Putta Thimmaiya and others of Ballekere, Kasaba Hobli, Kadur Taluk.		Suryanarayana Sastri, Archak Sri Lakshminarayanaswami temple, Patnagere, Kadur Taluk and others.

Subject.

Appeal against Order No. R. Dis. 121 of 1932-33 dated 21st November 1932 passed by the Muzrai Commissioner in the matter of the Inam lands in Ballekere village belonging to Patnagere Sri Lakshminarayanaswami temple having been unauthorisedly enjoyed so far on behalf of Ballekere Sri Anjaneyaswami temple, Kadur Taluk.

The case was called on Saturday the 4th August 1934. Mr. R. Venkataramaiya, B.A., LL.B., who represented the appellants was heard and the respondent Archak, though served with notice, was absent.

O R D E R

Government decline to interfere with the orders passed by the Muzrai Commissioner.

298-33-8 .....

Memo No. 184/Mu 29-1 dated, Bangalore, the 9th August 1934.

Copy of the above is forwarded to Mr. R. Venkataramaiya, B.A., LL.B., Advocate for the appellants. The stay order communicated in this office Memo No. 814 dated 12th December 1933 is withdrawn.

By order,

Sd/- S. Shamanna,
Financial Secretary to Government.

C.R.G.8

Roberta Tamisiea - Radon Talk

B-O

Ed. S. Shamaska

Dl Sec

186 mes 2 files, time 10-8-34

Copy to m.c. relating records received from bin on this subject. No trace of correspondence related to this office known to A/J 12-12-3. in Cote Ottawa

B-O

Bmunkhurst

for Dl Sec

(G)

Before the Government of His Highness the Maharaja of Mysore.

Mus Appeal No. 3 of 1933-34

Appellants Vs. Respondents

Palēē Sannakencae Gowda
Rame Gowda
Puttu Thimmaiyan
of Balekere - Kadaba Hobli
Kadur Tk.

Suryanarayana
Sastri - Archak Sri
Lakshminarayana
Swami temple -
Patnagere - Kadur

Subject.

Appeal against order no R Dis 121/32-33 of 21.11.32 passed by the H.C. in the matter of the Inam lands in Belekere village belonging to Patnagere Sri Lakshminarayanaswami temple having been unauthorisedly enjoyed by Belekere Sri Anjaneya Swamy temple

The Case was called on Saturday the 4th inst.
Mr. R. Venkatanarayana M.A. & B.L.
who represented the appellants was heard
and the respondent although duly served
with notice, was absent.

GPB—1,000—8-8-11

Your decline to interfere both the orders passed

Memo no 184 dy 10-8-34
" reg 298-33-8 Cdy to Mr R. Venkataramaiya
MA-LLB. Advocate for the [illegible] The Star
order communicated in this office memo no 814 dy 12-12-33
is kept in view —

B-O

S/S

No 185 dy 10.8.34 For Hsce
reg
Cdy to Mrs Singamadaya in Sathi accept
of Mr Sabhanadaya Venkatachala
as Patnadar. Kadur TK.

B-O

S/S
For Hsce

No 1811/7
Cdy to the M. C. Chitradurga
Received with his letter no 499 dy 14.12.33
33-34
The Stay order communicated in this office letter no 815
with orders —

S/S
Hsce.